

City Council Introduction: **Monday**, April 2, 2001  
Public Hearing: **Monday**, April 9, 2001, at **1:30 p.m.**

Bill No. 01R-75

## **FACTSHEET**

**TITLE:** **PRELIMINARY PLAT NO. 00026, EAGLE VIEW**, requested by Brian D. Carstens and Associates on behalf of Hoegemeyer-Palmer Construction, for 12 attached single family lots, 1 acreage lot and 1 outlot, with requests to waive sidewalks on one side of a private roadway and to waive the lot depth-to-width ratio, on property generally located at Peregrine Court and Talon Road.

**STAFF RECOMMENDATION:** Conditional approval.

**ASSOCIATED REQUEST:** Special Permit No. 1881, Eagle View Community Unit Plan (01R-74)

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 03/07/01  
Administrative Action: 03/07/01

**RECOMMENDATION:** Conditional Approval (9-0: Duvall, Schwinn, Steward, Newman Carlson, Taylor, Krieser, Hunter and Bayer voting 'yes').

### **FINDINGS OF FACT:**

1. This preliminary plat and the associated Eagle View Community Unit Plan were heard at the same time before the Planning Commission.
2. The Planning staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.6-7.
3. The applicant's testimony is found on p.10.
4. Testimony in opposition is found on p.10-11, with concerns about the price range of the homes; pedestrian and vehicular traffic encroachment into the existing neighborhood; and privacy.
5. The applicant's response to the opposition is found on p.11.
6. The Planning Commission discussion is found on p.11-12.
7. On March 7, 2001, the Planning Commission voted 9-0 to agree with the staff recommendation of conditional approval, as set forth in the staff report dated February 2, 2001. The conditions of approval are found on p.8-9.
8. On March 8, 2001, a letter reflecting the action of the Planning Commission and the conditions of approval was mailed to the applicant (p.2-4).
9. The Site Specific conditions of approval required to be completed prior to scheduling this application on the Council agenda have been submitted by the applicant and approved by the reviewing departments.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** March 26, 2001

**REVIEWED BY:** \_\_\_\_\_

**DATE:** March 26, 2001

**REFERENCE NUMBER:** FS\CC\FSP00026

March 8, 2001

Brian Carstens  
601 Old Cheney  
Lincoln NE 68512

Re: Preliminary Plat No. 00026  
EAGLE VIEW

Dear Mr. Carstens:

At its regular meeting on Wednesday, **March 7, 2001**, the Lincoln-Lancaster County Planning Commission granted approval to your preliminary subdivision, **Eagle View**, located in the general vicinity of **Peregrine Ct. and Talon Rd.**, subject to the following conditions:

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans to the Planning Department office, the preliminary plat will be scheduled on the City Council's agenda: (NOTE: These documents and plans are required by ordinance or design standards.)
  - 1.1 Revise the preliminary plat to show:
    - 1.1.1 A looped water system to the satisfaction of Public Works
    - 1.1.2 The easements requested by L.E.S.
    - 1.1.3 Add a note indicating that any relocation of existing electrical facilities will be at the expense of the owner/developer.
    - 1.1.4 Rename Eagle View Court as a numbered street.
    - 1.1.5 Revise the street trees on Lots 1 and 2 to be 40' apart.
2. The City Council approves associated request:
  - 2.1 Special Permit #1881
  - 2.2 A modification to the requirements of Section 26.23.140(a) the land subdivision ordinance to permit the lots along Eagle View Court to exceed the 3 to 1 lot depth to width ratio.

- 2.3 A modification to the requirements of Section 26.23.095 of the Subdivision Ordinance to allow sidewalks to be placed only on the east side of Eagle View Court.

General:

3. Final Plats will be scheduled on the Planning Commission agenda after:
  - 3.1 Streets, sidewalks, public water distribution system, public wastewater collection system, drainage facilities, ornamental street lights, landscape screens, street trees, temporary turnarounds and barricades, street name signs, and permanent survey monuments have been completed or the subdivider has submitted a bond or an approved escrow of security agreement to guarantee their completion.
  - 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
    - 3.2.1 To submit to the Director of Public Works an erosion control plan.
    - 3.2.2 To protect the remaining trees on the site during construction and development.
    - 3.2.3 To pay to the City the fee to connect to the "Regent Heights" trunk sewer.
    - 3.2.4 To submit to lot buyers and home builders a copy of the soil analysis.
    - 3.2.5 To continuously and regularly maintain street trees and landscape screens.
    - 3.2.6 To complete the private improvements shown on the preliminary plat and/or community unit plan, and/or planned unit development.
    - 3.2.7 To comply with the provisions of the Land Subdivision Ordinance regarding land preparation.

The findings of the Planning Commission will be submitted to the City Council for their review and action. You will be notified by letter if the Council does not concur with the conditions listed above.

You may appeal the findings of the Planning Commission to the City Council by filing a notice of appeal with the City Clerk. The appeal is to be filed within 14 days following the action by the Planning Commission. You have authority to proceed with the plans and specifications for the installation of the required improvements after the City Council has approved the preliminary plat. If you choose to construct any or all of the required improvements prior to the City's approval and acceptance of the final plat, please contact the Director of Public Works before proceeding with the preparation of the engineering plans and specifications. If the required minimum improvements are not installed prior to the City Council approving and accepting any final plat, a bond or an approved Agreement of Escrow of Security Fund is required.

The approved preliminary plat is effective for only ten (10) years from the date of the City Council's approval. If a final plat is submitted five (5) years or more after the effective date of the preliminary plat, the City may require that a new preliminary plat be submitted. A new preliminary plat may be required if the subdivision ordinance or the design standards have been amended.

You should submit an ownership certificate indicating the record owner of the property included within the boundaries of the final plat when submitting a final plat.

The Subdivision Ordinance requires that there be no liens of taxes against the land being final platted and that all special assessment installment payments be current. When you submit a final plat you will be given forms to be signed by the County Treasurer verifying that there are no liens of taxes and by the City Treasurer verifying that the special assessment installment payments are current.

Sincerely,

Russell J. Bayer, Chair  
City-County Planning Commission

cc: Owner - Bruce Palmer, Hoegemeyer Palmer Construction  
Public Works - Dennis Bartels  
LES  
Alltel Communications Co.  
Cablevision  
Fire Department  
Police Department  
Health Department  
Parks and Recreation  
Urban Development  
Lincoln Public Schools  
County Engineers  
City Clerk  
File (2)

W44

**DATE:** February 21, 2001

**PROPOSAL:** Brian Carstens, of Carstens and Associates, has requested a Community Unit Plan consisting of 12 dwelling units, and a Preliminary Plat consisting of 12 attached single family lots, 1 acreage lot, and one outlot, with requests for waivers of the subdivision requirements to allow sidewalks on only one side of a private roadway, and to allow the lots to exceed the 3:1 lot depth to width ratio.

**EXISTING ZONING:** R-2 and R-3

**EXISTING LAND USE:** Vacant and under development as attached single family

**SURROUNDING LAND USE AND ZONING:** Zoned R-2, Residential to the west and south and developed with attached single family and single family residential uses; zoned R-3 residential to the northwest, north and northeast under development for attached single family uses; zoned AGR agricultural residential further to the northeast, the east and southeast, developed with single family acreages.

**COMPREHENSIVE PLAN SPECIFICATIONS:** Shown as urban residential in the 1994 Lincoln-Lancaster County Comprehensive Plan.

**HISTORY:**

The Sunrise Hills Preliminary Plat and Change of Zone to R-2 was approved in 1984, including the southern portion of this proposal.

The Sunrise Estates Community Unit Plan and Preliminary Plat was approved in 1989, including the southern portion of this proposal.

The Eagle Crest Preliminary Plat, Change of Zone and annexation was approved in 2000, including the northern portion of this proposal.

**SPECIFIC INFORMATION:**

**UTILITIES:** This site can be served with sanitary sewer by a connection to the “Regent Heights” trunk sewer.

The proposed water system needs revision. A looped water system is required to provide design standard water flows.

**TOPOGRAPHY:** Sloping to the east.

**TRAFFIC ANALYSIS:** The proposed development would extend a cul-de-sac south of Peregrine Court. The cul-de-sac would contain 10 attached single family residences. The proposal meets block length requirements.

**ANALYSIS:**

1. This is a request for a Preliminary Plat and Community Unit Plan. The proposal reconfigures 4 lots in the Eagle Crest subdivision to provide two “attached single family” lots and extend a street to the south. The western portion of Lot 2, Block 1, Sunrise Estates is within the City limits. The proposal extends a cul-de-sac and places 10 attached single family lots on the western portion of Lot 2, Block 1, Sunrise Estates. The eastern portion of the lot will remain an acreage within the Sunrise Estates development.

2. The 10 proposed attached single family lots will back to the acreage lot. Green space and additional parking are proposed adjacent to the existing attached single family lots to the west.
3. The applicant has requested a waiver of Section 26.23.095 of the Subdivision Ordinance to allow sidewalks to be placed only on the east side of Eagle View Court. The cul-de-sac serves 10 dwelling units, all of which are proposed on the east side of Eagle View Court.
4. The applicant has requested a waiver of Section 26.23.140(a) to allow the lots along Eagle View Court to exceed the 3 to 1 lot depth to width ratio. As proposed, the lots have a depth to width ratio of approximately 4 to 1.
5. The Public Works Department noted that “the water system still requires further revision. A 16" water main is anticipated to be needed along the west side of 86<sup>th</sup>. This plat shows a 8" main on the east side and connecting the water system in Peregrine Court to a main in 84<sup>th</sup> Street. The main in 84<sup>th</sup> required to provide the looped water system to provide design standard water flows must be looped to the 16" water main rather than building a second main in 84<sup>th</sup> Street. The calculations submitted show that even with an 8" main in Eagle View Court, the water design standards cannot be met without a water main loop.”
6. Section 26.23.110(d) of the Subdivision Ordinance requires north-south streets to be numbered. The proposed name of Eagle View Court is similar to Eagle Crest Road and Eagle Ridge Road, and could cause confusion.
7. The area specified in the legal description of the Preliminary Plat needs to be revised to reflect the correct area.
8. The street trees on Lots 1 and 2 on Peregrine Court need to be spaced 40' apart.

**STAFF RECOMMENDATION:**

Conditional approval: Special Permit # 1881

Conditional approval: Preliminary Plat #00026

Approval of waiver of Section 26.23.140(a) to allow the lots along Eagle View Court to exceed the 3 to 1 lot depth to width ratio

Approval of waiver of Section 26.23.095 of the Subdivision Ordinance to allow sidewalks to be placed only on the east side of Eagle View Court

## CONDITIONS PRELIMINARY PLAT:

### Site Specific:

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### General:

3. Final Plats will be scheduled on the Planning Commission agenda after:
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  - 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:



- 3.2.1 To submit to the Director of Public Works an erosion control plan.
- 3.2.2 To protect the remaining trees on the site during construction and development.
- 3.2.3 To pay to the City the fee to connect to the “Regent Heights” trunk sewer.
- 3.2.4 To submit to lot buyers and home builders a copy of the soil analysis.
- 3.2.5 To continuously and regularly maintain street trees and landscape screens.
- 3.2.6 To complete the private improvements shown on the preliminary plat and/or community unit plan, and/or planned unit development.
- 3.2.7 To comply with the provisions of the Land Subdivision Ordinance regarding land preparation.

Prepared by:

Jennifer L. Dam, AICP  
Planner

**SPECIAL PERMIT NO. 1881  
EAGLE VIEW COMMUNITY UNIT PLAN  
and  
PRELIMINARY PLAT NO. 00026,  
EAGLE VIEW**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

March 7, 2001

Members present: Carlson, Steward, Hunter, Krieser, Taylor, Duvall, Newman, Schwinn and Bayer.

Staff recommendation: Conditional approval.

These applications were removed from the Consent Agenda and scheduled for separate public hearing.

Proponents

**1. Brian Carstens** appeared on behalf of the developer. This is a community unit plan for a total of 6 duplex structures or 12 residences. It is immediately south of the Eagle Crest subdivision currently being constructed and immediately east of some existing townhomes. It is a fairly straight forward application with private roadway, public water and sewer. There is a waiver of the lot width because the lots are only 40' wide. Because of previous annexation, the depth waiver is necessary. The waiver of sidewalks on the west side of the private roadway is requested because there are no lots that have frontage so only the lots on the east side need sidewalk.

Opposition

**1. Gilbert Pugh**, 1022 Daybreak Circle, testified in opposition. There is an awful lot of building going on back in there and he wants to make sure he and his neighbors have protection. He wanted to know the value of those homes. He does not want a bunch of "army barracks" back there. Secondly, the access is a concern. With all these people trying to get out, we are fearful our homes will become a traffic way and maybe we need some kind of wall constructed. We don't want them to have access to our yard. The quickest way out to 84<sup>th</sup> is going to be through one of our houses and not on Larson Blvd. Privacy is also an issue. If there are a lot of people and a lot of children, his neighborhood will need some privacy protection.

**2. Eldon Peterson**, 1030 Daybreak Circle, is concerned with this development. It seems like another piece of "slip-in". He called attention to the exact location of his property. He is concerned with individuals in the new development who might want to walk over to the Runza or some of the other restaurants. How are they going to get there? Just to the west of 1030 and across Daybreak, there is a sidewalk that sort of goes to the northwest. He calls it the sidewalk that goes nowhere because it ends at 84<sup>th</sup> Street. There was some objection when these homes were built about 10 years ago. People wondered why we had the sidewalk and the city insisted that there be one and it

has not been used. He is concerned that young people might want to go to Runza and the shortest distance would be to go through the lots at 1030 and 1022 Daybreak, taking the sidewalk down to 84<sup>th</sup>. The sidewalk is on the west side of 84<sup>th</sup>. When we come out from Larson left on 84<sup>th</sup>, it is becoming more burdensome all the time. It is a dangerous situation for the people in this new area who may want to go to some of the shops. If they don't go through our lots, they would go north on the private roadway to Peregrine Court. You cannot make a left turn and go down to 84<sup>th</sup>. And certainly the people with homes in that cul-de-sac will have a tall fence for noise protection from 84<sup>th</sup> Street. The individual that might walk would need to go to Peregrine Court, turn right and go to Talon Road, and then they would need to go north two and one-half blocks to Holdrege. There are no sidewalks on either side of Holdrege. This is a serious problem. When he purchased his property he was told that the city limits were at the back side of his lot line. That is no longer true because the city limits now go further east. Seven of us on Daybreak Circle were told that the city limits were at the back of our lot line, and we were told that the area to the east would be estates (larger homes). He calls this a "slip-in" project and he is opposed. It will create access problems. We do not want a lot of people coming to use that sidewalk that goes nowhere.

#### Response by the Applicant

Carstens advised that the realtor involved with this development indicates that the price will be \$150,000 to \$200,000. Hoegemeyer-Palmer typically builds duplexes for the "empty nester". That has been their clientele for many years and this would be a continuation of the projects they have also developed in Lincoln.

With regard to vehicular access, the traffic would go up to Peregrine Court and then head north. There is no way for us to go south or east through the opposition's properties. Carstens agrees that the pedestrian circulation could be a problem but this developer does not anticipate children being in this project because they typically do not market toward that niche. There could be a pedestrian easement up further north on their previous plat. Short of a fence, he does not know how to keep people out of their back yards. That is part of the reason for the location of the roadway there. The area was annexed to the city many years ago when Sunrise Estates was approved. The east line of this project is the current city limits and has been zoned.

Steward inquired whether there are any existing fences along what would be this development's west property line. Carstens indicated that there are none there today. There are no fences between properties.

Hunter inquired whether the same person owns the lots that are on Peregrine Court. Carstens answered in the affirmative. The same developer is the owner of those lots. Hunter was curious because there was no plan for walkways, etc. A path could maybe be created between the north part. Carstens agreed that there could be an opportunity.

Carlson inquired about the square footage of these narrow lots. Carstens stated that they are basically 40' x 150', approximately 6,000 sq. ft. They are the same as the Eagle Crest subdivision to the north except for the lots around the cul-de-sacs.

Carlson inquired how a non-car motion gets made to the west. Carstens did not have an answer.

Bayer noted that there is no pedestrian right-of-way between Daybreak Circle to the east, but there is from Daybreak Circle to the west. We're looking at six lots that would be south. So there are six that may cross through there but it would be trespass. Carlson believes they would need to move along the street. Bayer suggested that if there are children that move in they will clearly cut across the dirt to get out there. But the developer has indicated that these units will not be marketed to young families.

Public hearing was closed.

**SPECIAL PERMIT NO. 1881,**  
**EAGLE VIEW COMMUNITY UNIT PLAN.**  
**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

March 7, 2001

Schwinn moved to approve the Planning staff recommendation of conditional approval, seconded by Duvall.

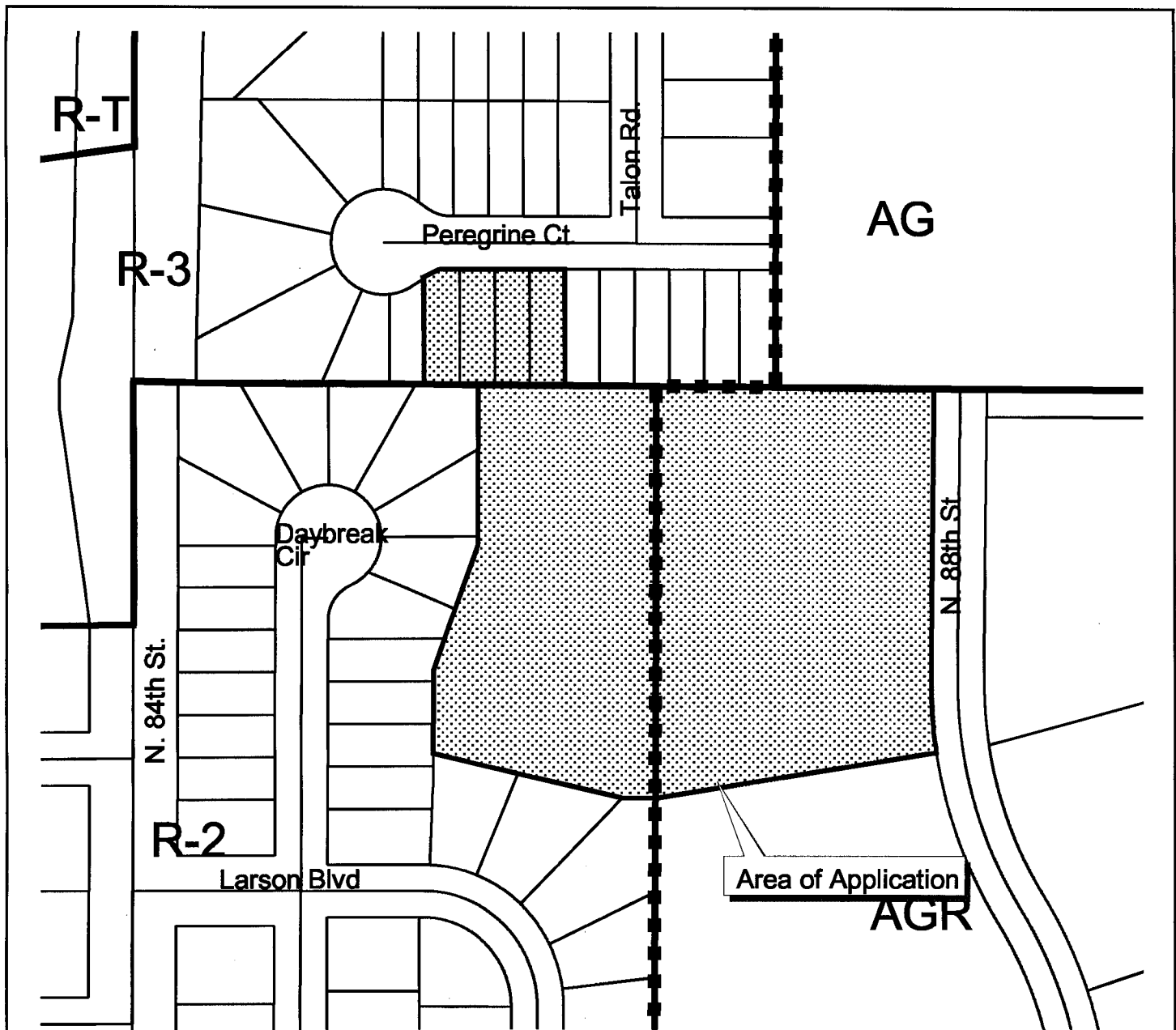
Carlson commented that it appears we have a circumstance where we have a piece of property that is "pedestrian landlocked". He does not know the history and he is not sure it is the fault of the current developer. He is not sure it is a "slip-in" situation but he sees no resolution to the pedestrian access. He does not know that he would support denying an application based on this circumstance, but it should be kept in mind.

Motion for conditional approval carried 9-0: Carlson, Steward, Hunter, Krieser, Taylor, Duvall, Newman, Schwinn and Bayer voting 'yes'.

**PRELIMINARY PLAT NO. 00026, EAGLE VIEW**  
**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

March 7, 2001

Schwinn moved to approve the Planning staff recommendation of conditional approval, seconded by Krieser and carried 9-0: Carlson, Steward, Hunter, Krieser, Taylor, Duvall, Newman, Schwinn and Bayer voting 'yes'.

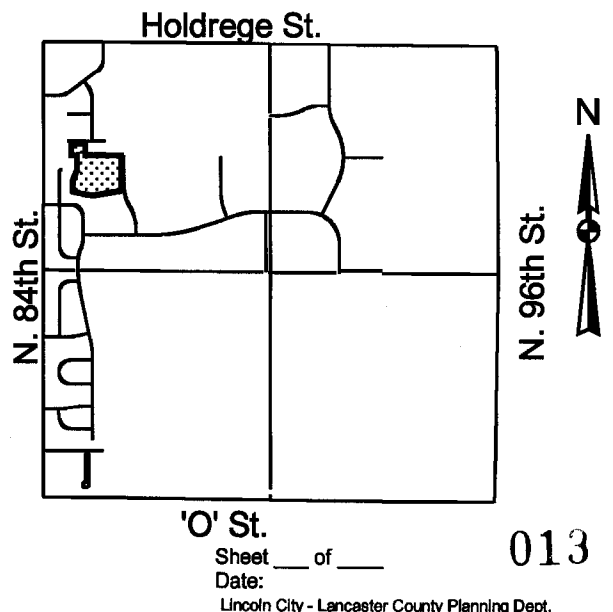
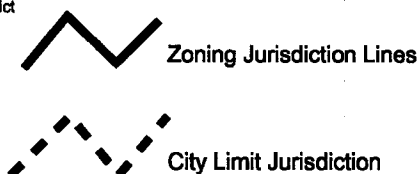


**Preliminary Plat #00026**  
**Eagle View**  
**Talon Rd and Peregrine Ct.**

**Zoning:**

- |            |  |
|------------|--|
| R-1 to R-8 | Residential District                   |
| AG         | Agricultural District                  |
| AGR        | Agricultural Residential District      |
| R-C        | Residential Conservation District      |
| O-1        | Office District                        |
| O-2        | Suburban Office District               |
| O-3        | Office Park District                   |
| R-T        | Residential Transition District        |
| B-1        | Local Business District                |
| B-2        | Planned Neighborhood Business District |
| B-3        | Commercial District                    |
| B-4        | Lincoln Center Business District       |
| B-5        | Planned Regional Business District     |
| H-1        | Interstate Commercial District         |
| H-2        | Highway Business District              |
| H-3        | Highway Commercial District            |
| H-4        | General Commercial District            |
| I-1        | Industrial District                    |
| I-2        | Industrial Park District               |
| I-3        | Employment Center District             |
| P          | Public Use District                    |

One Square Mile  
 Sec. 23 T10N R7E



'O' St.  
 Sheet \_\_\_\_ of \_\_\_\_  
 Date:

013



**Preliminary Plat #00026**  
**Eagle View**  
**Talon Rd and Peregrine Ct.**



Sheet \_\_\_\_\_ of **014**

Date: \_\_\_\_\_

Photograph Date: 1997

Lincoln City - Lancaster County Planning Dept.

24

23

22

21

20

19

18

10

Q TALON ROAD

Q PEREGRINE COURT

FUTURE DEVELOPMENT  
(BY OTHERS)

N 73°22'35"E  
25.90'P

N 55°23'22"E  
4.92'P

N 00°05'54"E  
120.65'P

N 89°34'11"W  
61.07'C  
P.O.B.

N 00°30'21"E  
185.71'M  
185.89'R

N 19°52'25"E  
146.91'M  
146.80'P

N 00°08'37"E  
94.78'M  
94.82'P

224.23'M  
N 77°17'59"W

36.10'M & P  
N 88°50'06"W

S 00°06'02"W  
131.84'

107.64' S 89°34'11"E

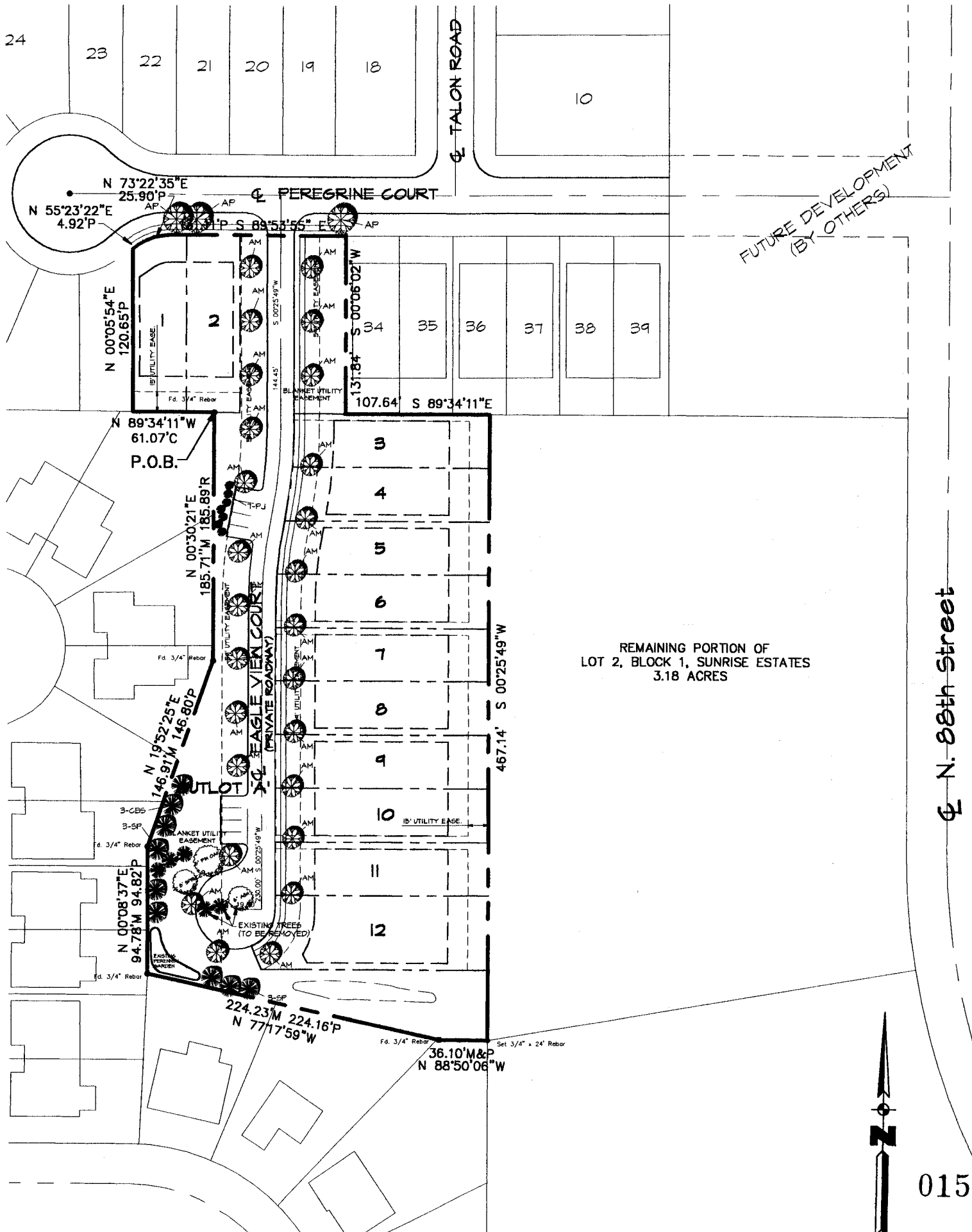
467.14' S 00°25'49"W

REMAINING PORTION OF  
LOT 2, BLOCK 1, SUNRISE ESTATES  
3.18 ACRES

Q N. 88th Street

015

NOT TO SCALE



# PEREGRINE COURT

131.11' P S 89°53'55" E

N 00°05'54"E  
120.65' P

20,918.55 S.F.

131.84' S 00°06'02" W

N 89°34'11"W  
61.07' C

N 00°30'21"E  
185.71' M 185.89' R

101,570.05 S.F.

Fd. 3/4" Rebar

N 19°52'25"E  
146.91' M 146.80' P

OUTLOT

Fd. 3/4" Rebar

N 00°08'37"E  
94.78' M 94.82' P

Fd. 3/4" Rebar

224.23' M 224.16' P  
N 77°17'59"W

Fd. 3/4" Rebar

36.10' M & P  
N 88°50'06"W

Set 3/4" x 24' Rebar



016

NOT TO SCALE



## PRELIMINARY PLAT LEGAL DESCRIPTION:

A survey of Lot 2 Block 1, Sunrise Estates, and Lots 30 through 33 Block 2, Eagle Crest Addition, all located in the Northwest Quarter of Section 23 Township 10 North Range 7 East of the Sixth Principal Meridian, City of Lincoln, Lancaster County, Nebraska. More particularly described by metes and bounds as follows.

Commencing at the Northwest Corner of Lot 2, Block 1, Sunrise Estates, and the POINT OF BEGINNING; Thence North 89-34-11 West on the North line of Lot 12 Sunrise Hills, 2nd Addition, a distance of 61.07 feet to the Southwest corner of Lot 30 Block 2, Eagle Crest Addition; Thence North 00-05-54 East on the West line of said Lot 30 a distance of 120.65 feet, to a point on the South line of Peregrine Court; Thence North 55-23-22 East on said South line a distance of 4.92 feet; Thence on a curve to the right, on the South right of way line of Peregrine Court, having a radius of 45.00 feet, a central angle of 33-27-00, a chord bearing of 73-22-35, and a chord distance of 25.90 feet; Thence North 89-53-55 East on said South right of way line, and on the North line of Lots 30 through 33 a distance of 131.11 feet, to the Northeast corner of Lot 33 Block 2, Eagle Crest Addition, to the city of Lincoln; Thence South 00-06-02 West on the East line of said Lot 33, a distance of 131.84 feet to a point on the North line of Block 1 Sunrise Estates, and the Southwest corner of Lot 33, Block 2 Eagle Crest Addition; Thence South 89-34-11 East on said North line of Sunrise Estates, a distance of 421.25 feet, to the Northeast corner of Lot 2, Block 1 Sunrise Estates, and the West Right of Way of North 88th Street; Thence South 00-28-06 West on the West Right of Way of North 88th Street, a distance of 327.43 feet, to a point of curvature; Thence on a curve to the left, having a radius of 530.00 feet, a central angle of 9-22-36, a chord bearing of South 04-14-03 East, and a chord distance of 86.64 feet, to the Southeasterly corner of Lot 2 Block 1, Sunrise Estates; Thence South 80-58-46 West on the Southerly line of said lot 2, a distance of 324.85 feet; Thence North 88-50-06 West on the Northerly line of Lot 2, Block 2, Sunrise Hills 1st Addition, a distance of 36.10 feet; Thence North 77-17-59 West on the North lines of Lots 16 and 17, Block 2, Said Sunrise Hills 1st Addition, a distance of 224.23 feet to the Southwest corner of Lot 2 Block 1, Sunrise Estates; Thence North 00-08-37 East on the Easterly line of Lots 16, 17, and 16 Sunrise Hills, 2nd Addition, a distance of 94.78 feet; Thence North 19-52-25 East on the Easterly line of Lots 16, 15, and 14, Sunrise Hills 2nd Addition, a distance of 146.91 feet; Thence North 00-30-21 East on the East line of Lots 14, 13, and 12, Sunrise Hills 2nd Addition, a distance of 185.71 feet to the POINT OF BEGINNING, and containing a calculated area of 260,953.71 Square feet or 5.99 acres more or less.

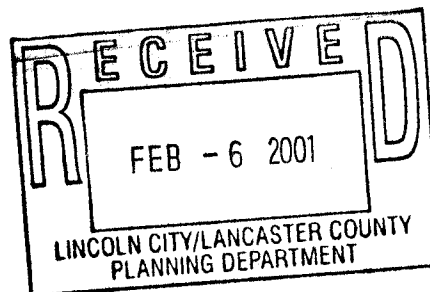
# Memorandum

To: Jennifer Dam, Planning  
From: Rachel Martin, Parks and Recreation  
Date: February 6, 2001  
Re: Eagle View

Parks and Recreation Department staff have reviewed the above-referenced proposal and have the following comments:

- 1) Street trees for Lots 1 and 2 on Peregrine Court should be spaced 40' apart.

Please phone me at 441-7936 with any questions.



# City of Lincoln, Nebraska

## IMPORTANT

**All revisions to plans must include Building Permit # and Job Address.**

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

## Plan Review Comments

Permit # **DRF01013**

Address

Job Description: **EAGLE VIEW**

Location: **EAGLE VIEW**

Special Permit: **Y 1881**

Preliminary Plat: **Y 00026**

Use Permit: **N**

CUP/PUD: **N**

Requested By: **JENNIFER DAM**

Status of Review: **Approved**

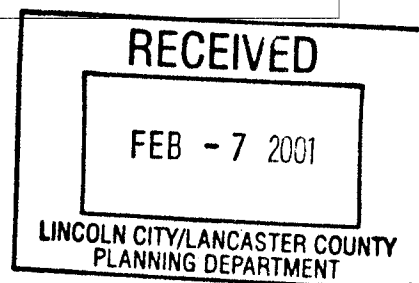
Reviewer: **FIRE PREVENTION/LIFE SAFETY CODE**

**BOB FIEDLER**


Comments:

### Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards

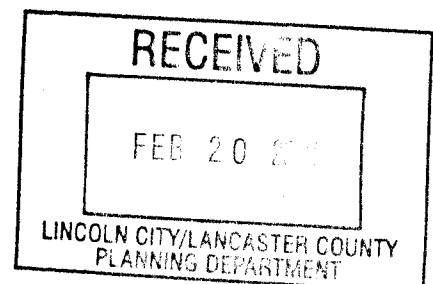


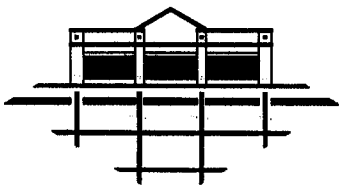
# M e m o r a n d u m

**To:** Jennifer Dam, Planning Department  
**From:**  Dennis Bartels, Public Works & Utilities  
**Subject:** Eagle View Revised Preliminary Plat  
**Date:** February 20, 2001  
**cc:** Roger Figard, Nicole Fleck-Tooze

Public Works has reviewed the revised Eagle View Preliminary Plat and has the following comments:

1. The proposed water main still requires further revision. A 16" water main is anticipated to be needed along the west side of 16<sup>th</sup>. This plat shows building an 8" main on the east side and connecting the water system in Peregrine Court to a main in 84<sup>th</sup> Street. The main in 84<sup>th</sup> required to provide the looped water system to provide design standard water flows must be looped to the 16" water main rather than building a second main in 84<sup>th</sup> Street. The calculations submitted show that even with an 8" main in Eagle View Court, the water design standards cannot be met without a water main loop.
2. The remainder of the plat revisions are satisfactory to Public Works.

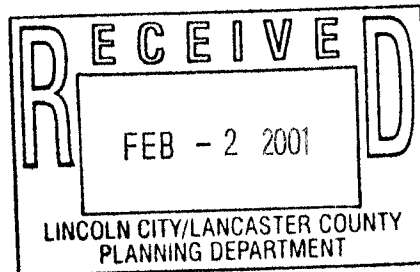




**BRIAN D. CARSTENS AND ASSOCIATES**  
LAND PLANNING RESIDENTIAL & COMMERCIAL DESIGN  
2935 Pine Lake Road, Suite H Lincoln, NE 68516 Phone: 402.434.2424

February 2, 2001

Ms. Kathleen A. Sellman, AICP  
Director of Planning  
City of Lincoln/ Lancaster County  
555 South 10th Street  
Lincoln, NE 68508



RE: EAGLE VIEW- PRELIMINARY PLAT #00026 SPECIAL PERMIT #1881

Dear Kathleen,

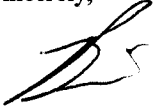
We are in receipt of Jennifer Dam's letter dated January 9, 2001, and we have made the following changes and/ or have the following comments;

1. We have removed the 3 acre lot from the limits of these applications.
2. We have revised the boundary, legal description and total acres.
3. We have submitted new 8-1/2" x 11" reductions of the plans for the agenda.
4. General note #1 has been revised as requested.
5. We have resubmitted the Administrative Amendment for the Sunrise Estates C.U.P..
6. Note #11 has been removed.
7. Note #13 has been removed.
8. Note #14 has been removed.
9. We have had the Lincoln Water Department perform water pressure test in the Eagle Ridge subdivision to the north. It has been determined that a new 8" water main needs to be installed on the East side of North 84th Street from North Woods Drive, south to Peregrine Court. This line will eliminate the long 'dead-end' main that would have prevented water flows that meet design standards. Also, the water main in Eagle View Court has been increased to 8" diameter.
10. We have previously submitted a letter from Bruce Palmer stating his agreement to pay the connection fee to the Regent Heights/ Northern Lights sanitary sewer system.
11. We have revised the profile for the sanitary sewer system to meet design standards.
12. The approval certificate has been revised.
13. The acceptance certificate has been revised.

Page 2

No other changes have been made to the plans. Please contact me if you have any further questions or comments.

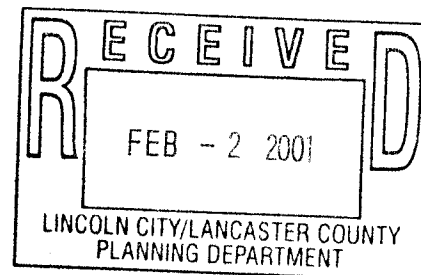
Sincerely,



Brian D. Carstens

cc. Bruce Palmer  
Lyle Loth- ESP

ENCLOSURES: 6 Copies of Sheets 1-4 of 4  
Revised Application for a Preliminary Plat  
Revised Application for a Special Permit (CUP)  
Revised Density Calculations  
8-1/2" x 11" reductions of the plans for the agenda





January 9, 2001

Mr. Brian Carstens  
2935 Pine Lake Rd, Ste H  
Lincoln, NE 68516

RE: Eagle View CUP and Preliminary Plat

Dear Brian:

Your revised plans for a Preliminary Plat and Community Unit Plan have been reviewed and the following revisions are still necessary prior to scheduling the items on the Planning Commission agenda:

- Section 27.65.020 L.M.C. requires that Community Unit Plans in the AGR district contain at least 10 acres. The proposed plan contains a lots that is zoned AGR but is less than 10 acres. The plans must be revised to remove that portion that is zoned AGR.
- The survey, metes and bounds description, legal description and area must be revised accordingly. Additionally, the calculated area must be accurate.
- The 8 ½ by 11 copies must be revised accordingly and must contain a north arrow.
- General note #1 must be accurate. A change of zone has not been requested.
- The amendment to the Sunrise Estates CUP must be approved
- Note 11 must be removed.
- Note 13 must be removed.
- Note 14 must be removed.
- The availability of adequate water pressure to serve this plat must be verified. Verification that the proposed water system will meet design standards must be provided.
- An agreement to pay the connection fee to the Regent Heights/Northern Lights system at the time final plats are approved must be provided.
- The sewer system does not meet design standards.

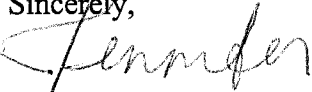
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- The approval certificate must be revised to remove the words “and Community Unit Plan”. Previous approvals of inaccurate language do not justify future approvals of inaccurate language.
- Revise the acceptance to replace the words “preliminary plat” with “community unit plan.” Previous approvals of inaccurate language do not justify future approvals of inaccurate language.

Once these revisions have been made and revised plans have been resubmitted the review process can continue. Please feel free to contact me if you have any questions (441-6362.)

Sincerely,



Jennifer L. Dam, AICP  
Planner

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## City of Lincoln, Nebraska

### IMPORTANT

All revisions to plans must include Building Permit # and Job Address.

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

### Plan Review Comments

Permit # DRF00021

Address

Job Description: Eagle View

Location: EAGLE VIEW

Special Permit: Y 1881

Preliminary Plat: Y 00026

Use Permit: N

CUP/PUD: Y

Requested By: JENNIFER DAM

Status of Review: Approved

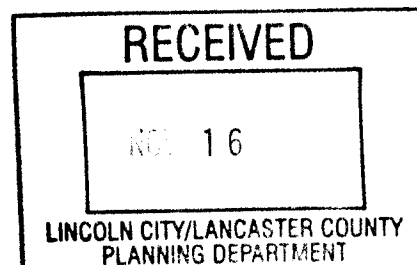
Reviewer: FIRE PREVENTION/LIFE SAFETY CODE

BOB FIEDLER

Comments:

#### Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
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- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards



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RECEIVED

DEC 1 2000

20, 2000

LINCOLN CITY/LANCASTER COUNTY  
PLANNING DEPARTMENT

RECEIVED

DEC 1 2000

20, 2000

LINCOLN CITY/LANCASTER COUNTY  
PLANNING DEPARTMENT

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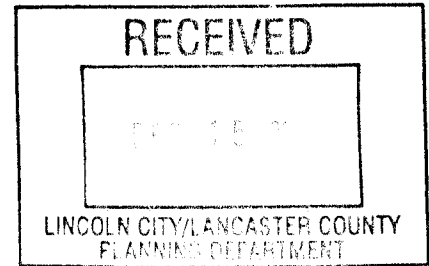
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LINCOLN CITY/LANCASTER COUNTY  
PLANNING DEPARTMENT

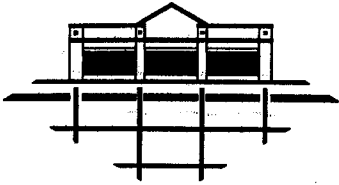
# M e m o r a n d u m



**To:** Jennifer Dam, Planning  
**From:** *MB* Dennis Bartels  
**Subject:** Eagle View CUP  
**Date:** December 15, 2000  
**cc:** Allan Abbott  
Roger Figard  
John Huff  
Lynn Johnson

Public Works has reviewed the revised preliminary plat and CUP for Eagle View located west of North 88th Street approximately 1/4 mile south of Holdrege and has the following comments:

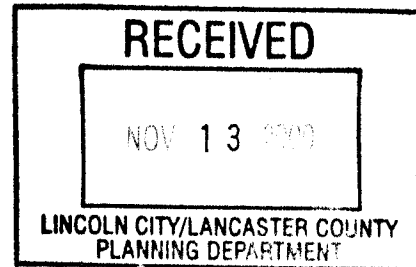
1. Water - Availability of adequate water pressure to serve this plat needs to be verified prior to approval of this plat. The existing Eagle Crest subdivision to the north is on a dead end water system until future extensions to the east. Any approval of this plat by Planning Commission should be subject to verification that the water system will meet design standards.
2. Sanitary Sewer - This development must pay the connection fee to the Regent Heights / Northern Lights system at the time of annexation. The sewer main is shown at 0.0036 slope. This does not meet design standards. The main must be built at a minimum 0.004 slope. Public Works recommends that the fee be required as a condition of the final plat of lots within the City limits.
3. Drainage and Grading - The revised drainage and grading plan is satisfactory.
4. Sidewalks - The requested waiver to construct sidewalk on one side of the street is satisfactory.



**BRIAN D. CARSTENS AND ASSOCIATES**  
LAND PLANNING RESIDENTIAL & COMMERCIAL DESIGN  
2935 Pine Lake Road, Suite H Lincoln, NE 68516 Phone: 402.434.2424

November 13, 2000

Ms. Kathleen A. Sellman, AICP  
Director of Planning  
City of Lincoln/ Lancaster County  
555 South 10th Street  
Lincoln, NE 68508



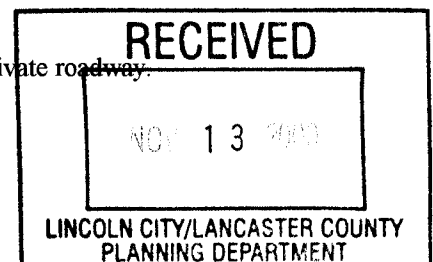
RE: EAGLE VIEW- PRELIMINARY PLAT #00026 SPECIAL PERMIT #1881

Dear Kathleen,

We are in receipt of your letter dated October 26, and we have made the following changes and/ or have the following comments;

1. We have submitted an Administrative Amendment to the Sunrise Estates C.U.P. with this resubmittal. We have removed the subject property from the limits of the previously approved Sunrise Estates C.U.P.
2. We have included density calculations for both Eagle View and Sunrise Estates.
3. You have now received a copy of the certificate of ownership.
4. The contour lines shown on the plans are based on NAVD 1988, and noted on the plans.
5. Eagle View is a very small C.U.P., that contains 12 single family lots and one larger acreage lot. The developer/ builder of Lots 1-12, has had a long history of building for 'empty-nesters' in the Lincoln area, including such projects as Shadow Pines, Crown Pointe, Arrow Ridge, Pagoda Pines, and Edenton South. These developments cater to the 'empty-nesters' and playgrounds are not a required amenity. Passive open space, and sidewalks are the recreational facilities required. With the sidewalks that are shown and the future development to the North, there will be a link to the existing bike trail along North 84th street, providing a pedestrian circulation to the new shopping areas currently planned and built in the area.
6. We recognize the connection fee and await further details regarding the actual fee. We have shown the proposed sanitary sewer flow lines on the utility plan as well as in section on the street profile.
7. Lot 13 will not be annexed at this time. We have noted that it needs to be served by a well and and an individual septic system. A general note has been added to the plans.
8. We have requested a water flow test in the new water mains immediately north of Eagle View. To date, we have not seen the results. However, I have spoken with Dennis Bartels regarding this issue, and we have agreed to install a 8" water main in Eagle View if the water flow and pressures warrant the over-sizing of the water main. This over-sized water main will be at the developers sole expense.

9. We are proposing a private well to provide a potable water supply for Lot 13. See note #7 above.
10. We have shown the existing structures as requested.
11. We anticipate the signing and the filing of the Eagle Crest final plat and subdivision agreement at any time. Therefore, we have had Derrick Beenblossom sign the surveyors certificate, in anticipation of the signed and filed plat in the next few days. It will definately be signed prior to appearing on the Planning Commission agenda.
12. Lyle Loth of ESP has prepared a drainage study for this project. He has also calculated the Pre-Development and Post-Development storm water run-off. We have provided a small detention cell in the southern end of the project.
13. We have shown the existing trees within the limits of Eagle View.
14. We have revised the Street Tree Plan as requested.
15. Bruce Palmer is the subdivider/ developer on the Eagle Crest project to the north.
16. The general note regarding setbacks has been revised.
17. The Special Permit & Preliminary Plat numbers have been noted in the title block.
18. The requested waivers are noted on the plans.
19. No response is required.
20. We wish to leave our private roadway name as submitted. It identifies these 12 lots as a separate development. The existing Daybreak Circle and proposed Talon Road, are north-south streets in the very near vicinity, and these streets are not a numbered street.
21. We have not shown an east-west connection to North 88th Street, as we have shown the possible future connection of Peregrine and North 88th Street, immediately north of our project. We note again, that we meet current design standards. Therefore, we respectfully request the proposed subdivision as designed be forwarded on to the Planning Commission as currently laid out.
22. We respectfully request a waiver of the lot width to depth ratio from 3 to 1 to 4 to 1 and one lot that approaches 5 to 1. These lots are all duplex type lots, having one property line as a common wall.
23. A general note has been added to call out the private lighting along the private roadway.
24. We have shown the current zoning lines.
25. Note #1 has been revised as requested.
26. Note #4 has been revised as requested.
27. The approval certificate has been revised as previously approved on several other C.U.P.'s and preliminary plats.





October 26, 2000

Brian Carstens  
Carstens and Associates  
2935 Pine Lake Rd., Ste H  
Lincoln, NE 68516

RE: Eagle View Community Unit Plan Special Permit #1881 and Preliminary Plat #00026

Dear Brian:

Your requests for a community unit plan and a preliminary plat have been reviewed by the county staff, the city staff and other agencies involved in land subdivision. The review found the plans will need revisions to bring them into compliance with the regulations. Those revisions include:

1. Section 26.11.020 of the Land Subdivision Ordinance requires applications for a change of zone, special permit, use permit, or planned unit development to accompany the filing of the preliminary plat. This proposed development will require an amendment to the Sunrise Estates Community Unit Plan. An amendment must be submitted in order for our review to continue.
2. Any proposed amendment to the Sunrise Estates Community Unit Plan must also include supporting density calculations for the C.U.P.
3. Section 27.65.070(n)(2) of the Zoning Ordinance requires certified information of the owner/owners and their address.
4. Section 26.15.015(c) of the Land Subdivision Ordinance requires contour lines based on NAVD 1988. Please indicate the datum used for the elevations you have provided. Revise the contours to be based on NAVD 1988, if necessary.
5. Section 26.15.015(g) of the Land Subdivision Ordinance requires areas for schools, parks, playgrounds, and other common areas for public use to be shown. Section 27.65.060(j) of the zoning ordinance requires proposed areas for parks and playgrounds to be clearly shown and designated. The Design Standards for Community Unit Plans (page 27) section (E) indicate that adequate recreational facilities shall be provided in the common open areas to serve the needs of the development. The Parks and Recreation Department noted that a neighborhood park will be needed in the area of the proposed development in the future to provide public recreation facilities and open space for future residents. Revise the plan to provide a location for recreational facilities, and provide a recreational plan.

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6. The Public Works Department noted that the proposed plat outlets into the Regent Heights/ Northern Lights trunk sewer. The per acre connection fee needs to be charged against this plat. The sewer serving this plat runs opposite street grades. Information is required concerning the assumed slopes and flow lines of the system, as required by Section 26.15.015(h)(1).
7. The Public Works Department noted that Lot 13 cannot be served by City sewer and water. It should not be annexed with the plat of this area. The proposed method of providing wastewater must be shown as required by Section 26.15.015(h)(2).
8. The Public Works Department noted that the proposed plat will create a dead end water system approximately 1,580 feet long. The dead end can not be eliminated until development and annexation occurs to the east and the water system is looped. This plat needs to address the potential problems created by this long dead end.
9. The plat does not address how water service will be provided for Lot 13, as required by Section 26.15.015(i)(3).
10. Section 26.15.015(m) requires the plat to show the location of all existing structures and buildings within and adjacent to the subdivision, their existing and proposed use.
11. Section 26.15.015(n) requires a certified boundary survey. The survey must be signed and certified by a licensed surveyor. The Eagle Crest subdivision has not been filed with the Register of Deeds, as the subdivision agreement has not been signed by the subdivider. The legal description that was supplied will not be accurate until the Eagle Crest subdivision has been completed and filed.
12. Section 26.15.020(b) requires a drainage study. The Public Works Department noted that the plan is incomplete. No drainage study or storm water detention calculations have been submitted with this application. The proposed storm water detention shown discharges concentrated flow to an adjacent ownership where street drainage presently exists. Revisions need to address this situation.
13. Section 26.15.020(c) require the location, size and common name of all existing trees to be shown. Section 27.65.070(o)(9) also requires this information. This information has not been provided.
14. Section 26.15.020(e) requires the species and location of trees for each street and private road ways. The Parks and Recreation Department noted that the trees on Peregrine Court need to be spaced 40' apart. Additionally, the trees on Peregrine Court must be consistent with the location shown in the Eagle Crest Preliminary Plat.
15. Section 26.15.030(a) requires a statement from the developer regarding any interest the subdivider has in the land surrounding the preliminary plat. One of the subdividers has interest in the property to the north.

16. Specify the setbacks for each lot or groups of lots in note 11. Delineate the setbacks on Lot 13. Please note that the Sunrise Estates Community Unit Plan delineated building envelopes for each lot to plan for future urban development. The building envelopes that had been specified for Lot 13 should be shown.
17. Include the assigned preliminary plat and special permit numbers in the title block.
18. Add a note listing the requested waivers on the site plan.
19. Section 26.23.095 requires sidewalks on both sides of public and private streets. You have requested a waiver of the sidewalk on the west side of Eagle View Court. Staff will support this request.
20. Section 26.23.110(d) requires north-south streets to be numbered. The proposed name of Eagle View Court is too similar to Eagle Ridge Road. The plat should designate that the street is a private roadway.
21. Section 26.23.130 indicates that block lengths shall not exceed 1,320 feet between cross streets. While the proposed development meets this standard, it is approximately 1,300 feet from the southern end of Eagle View Court to the intersection of Talon Road and Eagle Crest Road-- the only way in and out of the proposed subdivision. Access should be provided to N. 88<sup>th</sup> Street to the east.
22. Section 26.23.140 requires a maximum lot depth to width ratio of 3:1. The proposed plat has lot depths of 4 and 5 times the width. You should request a waiver of this requirement. Staff will support such a waiver.
23. The Public Works Department noted that private lighting is required along private streets by Section 26.27.070.
24. Revise the plat to show the zoning lines.
25. Revise Note 1 to indicate the area is zoned R2, R3 and AGR.
26. Revise Note 4 to include all of the zoning districts within the plat.
27. Revise the "approval" certificate to remove "and special permit."
28. Provide the easements requested by LES.

In addition you should be aware of the following general requirements:

1. You must complete or post a surety to guarantee the completion of the public streets, private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, at your own expense, in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance. The wastewater system and water system serving Lot 13 must be constructed and approved.



2. You must agree:
  - 2.1 To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
  - 2.2 To complete the private improvement shown on the preliminary plat.
  - 2.3 To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
  - 2.4 To continuously and regularly maintain the street trees along the private roadways and landscape screens.
  - 2.5 To submit to the lot buyers and homebuilders a copy of the soil analysis.
  - 2.6 To pay all improvement costs.
  - 2.7 To comply with the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

All deviations from the Land Subdivision Ordinance and the adopted Design Standards must be set forth, reasons given for each deviation, reasons given on how the proposal meets the intent of the Land Subdivision Ordinance and why the deviation should be accepted must be submitted with the revised preliminary plat. Refer to Section 26.15.030(d) of the Lincoln Municipal Code.

The next step in the review process requires a written response from you indicating agreement or disagreement (including a list of waivers) with each of the preceding revisions and general requirements. The revised preliminary plat and accompanying documents must be submitted 5 Mondays before the Planning Commission hearing.

Following the review of the revised plans and your response to the issues, I will re-evaluate your proposed preliminary plat for compliance with code requirements and design standards.

Please find attached reports from other departments who reviewed your plans.

Jennifer Dam will gladly assist you in processing this plat and you may contact her at 441-6362.

Sincerely,

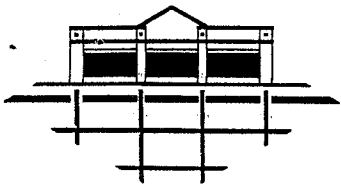


Kathleen A. Sellman, AICP  
Director of Planning

Attachments

cc: Bruce Palmer  
Ron Tonniges  
Dennis Bartels, Public Works & Utilities  
Lincoln Electric System  
Alltel Communications  
City-County Health Department  
Building & Safety  
Parks & Recreation  
County Engineering  
Fire Department  
Police Department  
File

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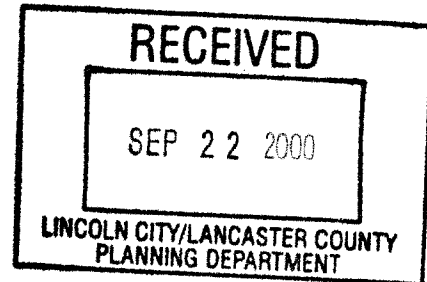


# BRIAN D. CARSTENS AND ASSOCIATES

LAND PLANNING RESIDENTIAL & COMMERCIAL DESIGN  
2935 Pine Lake Road, Suite H Lincoln, NE 68516 Phone: 402.434.2424

September 21, 2000

Ms. Kathleen A. Sellman, AICP  
Director of Planning  
City of Lincoln/ Lancaster County  
555 South 10th Street  
Lincoln, NE 68508



RE: EAGLE VIEW - NORTH 84TH STREET AND PEREGRINE COURT  
PRELIMINARY PLAT & COMMUNITY UNIT PLAN

Dear Ms. Sellman,

On behalf of Hoegemeyer Palmer Construction and Ron Tonniges, we are submit the above mentioned Preliminary Plat and Community Unit applications for your review. Eagle View is located directly South of Eagle Crest which is also being developed by Hoegemeyer Palmer Construction. The site is currently zoned 'R-2' and 'AGR' which contains 13.036 acres. The area where the townhomes are proposed the land is currently annexed into the city and is zoned 'R-2'.

Eagle View will contain 12 duplex lots with a total of 6 buildings and one single family lot. Each unit will have an attached 2-stall garage and parking for 2 more vehicles on each driveway. A Private Roadway has been shown with public water and sanitary sewer serving the site. We are requesting only one wavier. The wavier is not to install a sidewalk on the west side of Eagle View Court, the reason being so the neighbors to the west will have that much more green space and due to the small amount of residents, it really serves no purpose.

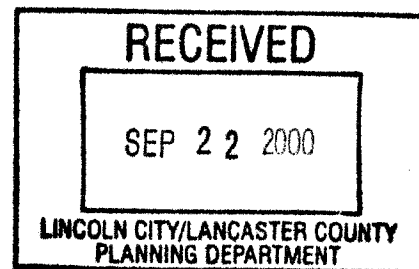
We meet with the adjacent neighbors on August 29, 2000 to discuss the site and impacts of the development. We have revised the plans made their requested changes.

Please contact me if you have any further questions or comments.

Sincerely,

Brian D. Carstens

cc: Bruce Palmer  
Ron Tonniges



ENCLOSURES:

16 Copies of Sheet 1 of 4  
6 copies of Sheet 2 through 4 of 4  
Application for a Special Permit  
Application Fees of \$955.00  
Certificate of Ownership - to be submitted

